

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 Estate of VALERIE YOUNG, by VIOLA YOUNG,
5 as Administratrix of the Estate of
Valerie Young, and in her personal
6 capacity, SIDNEY YOUNG, and LORETTA
YOUNG LEE,

Plaintiffs,

7 vs.

Index No.:
07CV6241

8 STATE OF NEW YORK OFFICE OF MENTAL
9 RETARDATION AND DEVELOPMENTAL
DISABILITIES, PETER USCHAKOW,
10 personally and in his official
capacity, JAN WILLIAMSON, personally
11 and in her official capacity, SURESH
12 ARYA, personally and in his official
capacity, KATHLEEN FERDINAND,
13 personally and in her official
capacity, GLORIA HAYES, personally and
14 in her official capacity, DR. MILOS,
personally and in his official capacity,

Defendants.

15 -----X
16 April 8, 2008
17 9:59 a.m.

18 Examination before trial of SURESH
19 ARYA, held at the offices of The Catafago
20 Law Firm, P.C., 350 Fifth Avenue, New
21 York, New York, pursuant to Notice,
22 before Wendy D. Boskind, a Registered
23 Professional Reporter and Notary Public
24 of the State of New York.
25

A P P E A R A N C E S:

THE CATAFAGO LAW FIRM, P.C.

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STATE OF NEW YORK

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BY: JOSE L. VELEZ, ESQ.

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ALSO PRESENT:

PATRICIA PAWLOWSKI, ESQ.

Counsel's Office

Office of Mental Retardation

and Developmental Disabilities

1 Arya
2 your attorney. Can you do that, sir?

3 A. Yes.

4 (Deposition Exhibit
5 Plaintiffs' Arya 1, Notice to take
6 the deposition of the Defendant
7 Office of Mental Retardation and
8 Developmental Disabilities, marked
9 for identification, as of this
10 date.)

11 Q. Let me just show you the
12 Notice to take the deposition of the
13 Defendant Office of Mental Retardation
14 and Developmental Disabilities. It's
15 marked as Exhibit 1, Arya 1.

16 And I ask you, sir, do you
17 understand that you are here pursuant to
18 this notice as well as your own
19 individual capacity and official
20 capacity?

21 A. Mm-hmm.

22 Q. "Yes"?

23 MR. VELEZ: You need to say
24 "Yes" or "No".

25 A. Yes.

1 Arya

2 Q. Okay.

3 MR. CATAFAGO: Counsel, just
4 so we establish, he is here under
5 FRCP 30(b)(6) --

6 MR. VELEZ: That's correct.

7 MR. CATAFAGO: -- as well as
8 his individual and officer official
9 capacity.

10 MR. VELEZ: That's correct,
11 counsel.

12 MR. CATAFAGO: Thank you.

13 Q. By whom are you presently
14 employed?

15 A. New York State Office of
16 Mental Retardation and Mental
17 Disabilities, Hudson Valley DDSO.

18 Q. In what capacity?

19 A. Deputy director.

20 Q. How long have you been --

21 A. There since September --

22 Q. 2004?

23 A. -- 2004.

24 Q. And were you at BDC before
25 that?

1 Arya

2 Plaintiffs' Arya 9, document, which
3 is part of the policy and procedure
4 manual at BDC, Bates stamped
5 D 1605, marked for identification,
6 as of this date.)

7 Q. I want to show you what's
8 been marked as Exhibit 9 -- Arya Exhibit
9 9, Bates stamped D 1605, and ask you
10 whether or not you recognize this
11 document.

12 A. Yes.

13 Q. Is this part of the policy
14 and procedure manual at BDC?

15 A. Yes, it is.

16 Q. And is it correct that the
17 nurse administrator was required to
18 report all pertinent matters to you, as
19 deputy director of operations?

20 A. Yes, pertinent matters.

21 Q. Do you recall any matters at
22 all that the nurse administrator reported
23 to you reported to you regarding Valerie
24 Young at any time?

25 A. It's very difficult to

1 Arya

2 remember those kinds of things, it
3 happened many many years.

4 Q. Do you remember any?

5 A. I -- it's very difficult to
6 say.

7 Q. When would the nurse
8 administrator typically report something
9 to you?

10 A. Anything that's unusual,
11 anything where she needed my support --
12 my assistance.

13 Q. What kinds of things would
14 that be?

15 A. Patient care, that's
16 something that they have difficulty in
17 getting consultants, they have
18 difficulty -- if they need more staffing,
19 yes, that's....

20 Q. How often did you get such
21 communications from the nurse
22 administrator while you were there, as
23 deputy director?

24 A. It can be any day, two times
25 a day --

1 Arya

2 Q. So some days it was three
3 times a day?

4 A. Sometimes it was three times
5 a day, on different occasions.

6 Q. Approximately how many times
7 a year?

8 A. I would not -- I wasn't 24-
9 hour on call, they used to call me at
10 home.

11 Q. The nurse administrator.

12 A. Yes, the nurse administrator,
13 clinical consultation.

14 Q. Other than what you've
15 described, do you recall any specific
16 conversation you had with anyone
17 regarding Valerie Young at any time,
18 other than counsel?

19 A. Lately, no.

20 Q. Ever.

21 A. What do you mean "ever"?

22 MR. VELEZ: I will just
23 object, that's really very broad,
24 but --

25 MR. CATAFAGO: Yes.

1 Arya
2 need their help, so you take that
3 document to be billed.

4 Q. Do you know if there were
5 such documents involving Valerie?

6 A. She has to have Medicaid or
7 Medicare.

8 Q. Do you know if she had it?

9 A. Uh -- I cannot say what she
10 had, but yes, she had it.

11 Even if she did not have
12 regular, she would have emergency
13 Medicaid card, so that she will have
14 something.

15 MR. CATAFAGO: I'm going to
16 call for the production of that.
17 According to my notes, those
18 certifications were not produced.

19 (REQUEST.)

20 MR. VELEZ: Counsel, the full
21 medical file was produced. Maybe
22 you just need to make a second
23 look, because it's 10,000 pages.

24 MR. CATAFAGO: Yes, I have
25 10,000 pages, I'm telling you my

1 Arya

2 Q. Right.

3 A. -- there is the gray record,
4 there is blue, so different binders. It
5 may not be part of her medical records.
6 The medical record is completely
7 different.

8 MR. CATAFAGO: So we ask for
9 all records relating to her
10 treatment.

11 (REQUEST.)

12 MR. VELEZ: And all records
13 were produced.

14 Q. And this is not something
15 that's destroyed, right --

16 A. No.

17 Q. -- this is something
18 maintained?

19 A. It's currently kept. The old
20 ones are destroyed.

21 Q. How often are they destroyed?

22 A. Until the new one is placed,
23 then you don't need the old one.

24 Q. How --

25 A. It's ongoing current